

REMARKS

By entry of this amendment, claims 1-14, 16-20, 28-38 are pending in the present application. Claims 15 and 21-27 have been canceled from consideration. Claims 1-25 and 28-36 have been rejected. Claims 1, 2 and 28-34 have been amended, and claims 37 and 38 are new. No new matter has been added. Support for the claim amendments can be found at least at page 11, lines 19-28 and page 13, first full paragraph. In view of the foregoing amendments and following remarks, Applicant respectfully requests reconsideration and allowance of the application.

Substance of Examiner Interview

Examiner Perez is thanked for taking the time on June 23, 2009 to discuss the present application with the undersigned. The present claim amendments and the applied prior art were discussed. The Smith, Tayloe and Skidmore references were discussed with respect to the newly added claim limitations. No agreement was reached. The foregoing claim amendments and the following remarks incorporate the substance of the interview and no further submission is believed to be required.

Claim Rejections under 35 U.S.C. §112

Claims 1, 2, 5 and 11-15 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Based on the foregoing amendments, Applicant submits that all of the claim terms have antecedent basis in the claims. Applicant requests that the rejection of claims 1, 2, 5 and 11-14 be withdrawn.

Claim 29 stands rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. In rejecting claim 29, the Examiner stated that the specific term “portable computer” could not be found in the specification. However, the term “computer” is in the specification at page 5, the first full paragraph of the detailed description. The claim has been amended accordingly. Applicant respectfully submits that the scope of the claim is broadened as now any type of computer is recited in the claim.

Claim 28 has been rejected because the claim term “intelligent mobile electronic device” was not specifically stated, even though, an intelligent electronic device, element number 23, is described at page 7, first full paragraph, and the electronic device 23 is described as moving at page 8, line 1. Although, Applicant does not agree with the rejection, the claim has been amended to delete the words “intelligent mobile.” In addition, Applicant respectfully submits that the scope of the claim is broadened as now any type of electronic device is recited in the claim.

Claims 33 and 34 have been amended to remove the storing limitation.

All of the claim rejections under 35 U.S.C. § 112 have been addressed. Applicant requests withdrawal of the rejections.

Claim Rejections under 35 U.S.C. §103(a)

Claims 1-9, 17, 19 and 28-29

Claims 1-9, 17, 19 and 28-29 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tayloe et al. (U.S. Patent No. 6,192,240) in view of Smith et al. (U.S. Patent No. 6,721,572) and further in view of Skidmore et al. (U.S. Patent No. 6,442,507). Applicant respectfully traverses.

Claim 1 recites, in part:

announcing, before the connection is interrupted, that the connection to the one communication device will be interrupted; and;

upon emerging from the no-coverage zone and unsuccessful reconnection attempts between communication devices, determining by ***the one communication device that entered the no-coverage zone*** a next communication operation between the communication devices ***based on pre-programmed, user instructions.***

Both independent claims 1 and 28 have been rejected under the combination to Tayloe, Smith and Skidmore. Tayloe is directed toward a system that notifies users of an upcoming outage, but does not address attempts to reconnect after the outage. As for Smith, it is directed to a system that optimizes communication near wireless dead zone regions. Smith addresses reestablishing connections at column 15, lines 15-19, which state, "After the dead zone 304 has been traversed by the mobile client 301, the system gracefully reestablishes the dropped call as shown in FIG. 3."

Smith also states at column 15, lines 53-60, that if the system does not reconnect after a certain time, the server connects to the other parties to inform them that the cellular user is in an unavailable wireless area and the estimated time for reconnect is currently unknown. This is different from determining by the one communication device that entered the no-coverage zone a next communication operation between the communication devices based on pre-programmed user instructions. In Smith, the server makes the determination after a specific time period, and it does not refer to user instructions.

As for Skidmore, it is cited for its alleged disclosure of storing data. It does not, nor is it asserted to, make up for the deficiencies of Tayloe and Smith. The Applicant respectfully

submits that Tayloe, Smith and Skidmore, either individually or in combination, do not disclose upon unsuccessful reconnection attempts between communication devices, determining by the one communication device that entered the no-coverage zone a next communication operation between the communication devices based on pre-programmed, user instructions, in combination with the other features recited in Applicant's independent claim 1.

Claim 28, recites in part:

An electronic device in a mobile communication device, comprising logic to:
calculate a communication drop-off point based on a location of the electronic device with respect to a prediction point and an interruption point;
before the drop-off point is reached, notify a user of at least one of the communication devices of the communication drop-off that the electronic device is entering a no-coverage zone based on the calculation; and
upon emerging from the no-coverage zone and unsuccessful reconnection attempts between mobile communication devices, determine a next communication operation between the mobile communication devices based on pre-programmed user instructions.

Claim 28 is directed to an electronic device in a mobile communication device. None of the applied prior art discloses an electronic device within a mobile communication device capable upon emerging from a no-coverage zone and unsuccessful reconnection attempts of determining a next communication operation between the mobile communication devices based on pre-programmed user instructions in combination with the other features recited in claim 28. Applicant submits that Tayloe, Smith and Skidmore, either individually or in combination, do not disclose or suggest all of the features recited in claim 28.

Accordingly, claims 1 and 28 are allowable. Claims 2-9, 17, 19 and 29 depend from claims 1 and 28, respectively, and are also allowable.

Claims 10-14, 16, 18, 20 and 30-32

Claims 10-14, 16, 18, 20 and 30-32 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Taylor et al. in view of Smith and Skidmore as applied to claims 1, 12 and 15 above, and further in view of Amin (U.S. Patent No. 5,995,830). Applicant respectfully traverses.

In making the rejections of claims 10-16, 18, 20 and 30-32, the Office admits that the Tayloe, Smith and Skidmore do not disclose the features recited in these claims. The Office relies on Amin to disclose these features.

Canceled claim 15 recited features that are similar to the present claim amendments to claims 1 and 28. The Office cited column 2, lines 16-20 and 24-31 of Amin in the rejection of claim 15. In the cited text, Amin describes reestablishing communication with the dropped communication device. If the communication cannot be reestablished, the communication device that remained connected to the system is routed to voice mail. However, the described routing is performed by a mobile switching center 110 as explained at column 6, lines 20-50.

In contrast, claim 1 now recites that the next communication operation is determined by the communication device that entered the no-coverage area. Amin does not describe or suggest this claimed feature in combination with the other features recited in the claim.

Accordingly, Amin does not overcome the above described deficiencies of Tayloe, Smith and Skidmore with respect to claim 1. Applicant submits that Tayloe, Smith Skidmore and Amin, individually or in combination, do not disclose or suggest all of the features recited in claims 10-14, 16, 18 and 20. Accordingly, claims 10-14, 16, 18 and 20, which depend from claim 1, are allowable.

As for claims 30-32, these depend from claim 28 and are allowable for the same reasons discussed above with respect to claim 28 and claims 10-14, 16, 18 and 20. Applicant submits that Tayloe, Smith, Skidmore and Amin, individually or in combination, do not disclose or suggest all of the features recited in claims 28 and 30-32.

Claims 33-36

Claims 33-36 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Tayloe et al, Smith and Skidmore further in view of Ashby et al. (U.S. Patent No. 6,047,280).

In making the rejection of claims 33-36, the Office admits that Tayloe, Smith and Skidmore do not disclose or suggest the claimed setting of the prediction points by the manufacturer of one of the communication devices. The Office relies on Ashby to disclose these features. However, Ashby is directed to a GPS navigation system, and does not refer to a telephone or mobile communication device.

Ashby does not overcome, nor is it asserted to overcome the above deficiencies of Tayloe, Smith and Skidmore with respect to claim 28.

Claim 28 and dependent claims 33-36 refer to an electronic device in a mobile communication device. The Office provides no mention or discussion of how the device or process allegedly disclosed by the combination of Tayloe, Smith and Skidmore would be modified to incorporate the teachings of Ashby, other than a mere conclusory statement.

As the Examiner is aware, the key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit. The Court quoting *In re Kahn* stated that "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." The cited portions of Ashby merely state that navigation systems can have enhanced features that "help commuters and travelers avoid construction delays and finding the quickest routes to desired destinations. This is not a discussion of storing data related to prediction points for a location having interference to a communication in progress.

In fact, the cited language of Ashby actually teaches assisting a traveler to avoid delays and finding the quickest routes to the desired destination. If the Ashby's device were modified as suggested by the Office to start instructing travelers to deviate away from the quickest routes to and add more delay to arriving at their destination as suggested by the Office, it would operate contrary to the disclosed purpose of the enhanced features to find the quickest route to a destination. Accordingly, Ashby teaches away from being modified as suggested by the Office.

Applicant submits that Tayloe, Smith, Skidmore, and Ashby, either individually or in combination, do not disclose or suggest all of the features recited in claims 33-36 in combination with the features recited in independent claim 28. Accordingly, the rejection of claims 33-36 should be withdrawn.

Claims 37 and 38

Claims 37 and 38 depend from claim 1, and recite an additional level of detail in combination with the features of claim 1 that is neither disclosed or suggested by the applied prior art. Accordingly, claims 37 and 38 are allowable.

CONCLUSION

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any matter concerning this application. Applicants assert that the claims are in condition for allowance and respectfully request that the Examiner pass this case to issue at the Examiner's earliest convenience.

Applicants authorize payment of any additional fees under 37 C.F.R. §§ 1.16 or 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

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